

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

Docket No. 2003-829

November 2, 2004

UNITED STATES ACCESS TELECOM, INC.  
Petition to Relinquish Status as an Eligible  
Telecommunications Carrier Pursuant to  
Section 214(e)(4) of the Telecommunications  
Act of 1996

ORDER

WELCH, Chairman; DIAMOND and REISHUS, Commissioners

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**I. SUMMARY**

In this Order, we allow United Systems Access Telecom (USAT) to relinquish its designation as an eligible telecommunications carrier (ETC) pursuant to Section 214(e)(4) of the Telecommunications Act of 1996 (TelAct).

**II. DECISION**

By Order dated April 16, 2004, and Corrected on April 20, 2004, in Docket No. 2003-829, the Commission designated USAT as an ETC pursuant to 47 U.S.C. § 214(e)(2) in Verizon-Maine's service area. At that time, the only ETCs serving within Verizon's territory were Verizon (which covered the entire territory) and RCC Minnesota, Inc. d/b/a UniceL (which covered those portions of Verizon's territory included within RCC's federal license). On October 12, 2004, the Commission received a letter from USAT requesting that it be permitted to abandon its ETC status. In that letter, USAT indicated that the parties to Docket No. 2003-829, namely Verizon-Maine and the Office of the Public Advocate (OPA), did not object to its request.

We will treat USAT's letter as a petition to relinquish universal service pursuant to the requirement of 214(e)(4) of the TelAct. Under that section:

An eligible telecommunications carrier that seeks to relinquish its eligible telecommunications carrier designation for an area served by more than one eligible telecommunications carrier shall give advance notice to the State commission . . . of such relinquishment. Prior to permitting a telecommunications carrier designated as an eligible telecommunications carrier to cease providing universal service in an area served by more than one eligible telecommunications carrier, the State commission . . . shall require the remaining eligible telecommunications carrier or

carriers to ensure that all customers served by the  
relinquishing carrier will continue to be served . . . .

We have received letters from RCC and Verizon in which they commit to provide service to those customers currently served by USAT who wish to be served by an ETC. The commitments made by RCC and Verizon make it unnecessary for us to take any further action to ensure that USAT customers will continue to be served. We note, however, that because USAT will remain in business, the change in ETC designation does not require that customers switch carriers.

Accordingly, we find that USAT has met the requirements of 47 U.S. C. § 214(e)(4) and that it should be permitted to relinquish its ETC status.

Dated at Augusta, Maine, this 2<sup>nd</sup> day of November, 2004.

BY ORDER OF THE COMMISSION

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Dennis L. Keschl  
Administrative Director

COMMISSIONERS VOTING FOR:      Welch  
   Diamond  
   Reishus

**NOTICE OF RIGHTS TO REVIEW OR APPEAL**

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21 days** of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.